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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/628,544 | 07/28/2003 | Brant Lardie | 29757/P-736 | 3573 |
| 4743 | 7590 | 06/20/2006 | EXAMINER | |
| MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606 | | | CROSS, ALAN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3713 | |

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/628,544 | Applicant(s) LARDIE, BRANT | |
| | Examiner Alan Cross | Art Unit 3713 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/27/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Cannon et al. (US Pub #2002/0183105).

Regarding claims 1,10,21,26,31,37: Cannon discloses a gaming apparatus, comprising: a display unit that is capable of generating video images (pg. 4, para. 0037); a first value input device located at a first geographic location (pg. 5, para. 0046); a controller operatively coupled to said display unit and said first value input device said controller comprising a processor and a memory operatively coupled to said processor, said controller being programmed to allow a person to make a wager, said controller being programmed to cause a first video image representing a first game to be generated on said display unit (pg. 7, para. 0064), said first video image representing one of the following games wagered on (pg. 4, para. 0039) said first value input device: video poker, video blackjack, video slots, video keno or video bingo, said first video image comprising an image of at least five playing cards if said first game comprises video poker, said first video image comprising an image of a plurality of simulated slot machine reels if said first game comprises video slots, said first video image comprising

a image of a plurality of playing cards if said first game comprises video blackjack, said first video image comprising an image plurality of keno numbers if said first game comprises video keno, and said first video image comprising an image of a bingo grid if said first game comprises video bingo, said controller being programmed to determine a first value payout associated with an outcome of said first game (pg. 5, 0045) , said controller being programmed to cause a second video image to be generated on said display unit, said second video image representing a second game wagered' on by said person at a second value input device located at a second geographic location different from said first geographic location, said second video image representing one of the following games wagered on said second value input device: a multi-player lottery or a multi-player sports game, said second video image comprising an image of a plurality of lottery numbers if said second game comprises a multi-player lottery, said second video image comprising an image of a sports score if said second game comprises multi-player sports gaming (pg. 8, para. 0067). Cannon discloses a gaming apparatus that the game is run by a computer with memory (pg. 5, para. 0047)

Regarding claims 2,11,23,27: Cannon discloses a gaming apparatus as defined in claim 1, wherein said controller is programmed to allow said person to make a wager on at least one of said first game and. said second game using said first value input device (pg. 8, para. 0069).

Regarding claims 3,12,24,28,39: Cannon discloses a gaming apparatus as defined in claim 1, wherein said controller is programmed to receive data representing a

second value payout associated with an outcome of said second game, said second value payout data being determined by a multi-player gaming server (pg. 8, 0070).

Regarding claims 4,13,25,36: Cannon discloses a gaming apparatus as defined in claim 1, wherein said controller is programmed to cause said first and second video images to be generated concurrently on said display unit (pg. 9, 0080).

Regarding claims 5: Cannon discloses a gaming apparatus as defined in claim 1, wherein said first game is a single-player game (pg. 1, parg. 0006).

Regarding claim 6,16,30,33,38: Cannon discloses a gaming apparatus as defined in claim 1, wherein said controller is programmed to receive identification information regarding said person, said controller being programmed to receive gaming information regarding said wager on said second game using said identification information, wherein said gaming information includes a gaming decision made by said person (pg. 10, parg. 0083).

Regarding claim 7,17,34: Cannon discloses a gaming apparatus as defined in claim 1, wherein said second video image comprises an image of a gaming decision made by said person in relation to said second game (pg. 3, parg. 0022).

Regarding claim 8,18: Cannon discloses a gaming system comprising a plurality of gaming apparatuses as defined in claim 1, said gaming apparatuses being interconnected to form a first network of gaming apparatuses (pg. 2, parg. 0020).

Regarding claim 9,19: Cannon discloses a gaming system as defined in claim 8, further comprising a second network operatively coupled to said first network, said second network comprising: said second value input device located at said second

geographic location; and a multi-player gaming server operatively coupled to said second value input device (pg. 9, parag. 0076), said gaming server being programmed to allow one or more people including said person to make a wager on said second value input device, said gaming server being programmed to determine said second value payout, and said gaming server being programmed to transfer gaming information regarding said second game to said controller (pg. 2, parag. 0020), said gaming information including data representing said second value payout, and information regarding gaming decisions by said person for said second game (pg. 8, parag. 0069).

Regarding claim 14: Cannon discloses a gaming apparatus as defined in claim 10, wherein said first game is a single player game (pg. 1, parag. 0006), and said second game is a multi-player game (pg. 17, parag. 0148).

Regarding claim 15,22,29: Cannon discloses a gaming apparatus as defined in claim 10, wherein said second video image represents one of the following games: a multi-player lottery or multi-player sports gaming, said second video image comprising an image of a plurality of lottery numbers if said second game comprises a multi-player lottery, and said second video image comprising an image of a sports score if said second game comprises multi-player sports gaming (pg. 8, parag. 0067).

Regarding claim 20: Cannon discloses a gaming system as defined in claim 19, wherein said gaming apparatuses are interconnected via the internet (pg. 4, parag. 0039).

Regarding claim 32: Cannon discloses a gaming method as defined in claim 31, comprising receiving data representing a second value payout associated with an outcome of said second game (pg. 13, parg. 0112).

Regarding claim 35: Cannon discloses a gaming method as defined in claim 31, comprising causing said second video image representing said second game 'to be generated, wherein said second video image comprises an image of a plurality of lottery numbers if said second game comprises a multi-player lottery, and said second video image comprises an image of a sports score if said second game comprises multi-player sports gaming (pg. 8, parg. 0067).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wells et al. (US Pub #2003/0064784) discloses a gaming machine with a plurality of games and a multiplayer lottery.

Vuong et al. (US Patent #5762552) discloses a interactive real-time network gaming system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cross whose telephone number is 571-272-5529. The examiner can normally be reached on 8-4 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARC 571-272-5529



XUAN M. THAI
SUPERVISORY PATENT EXAMINER

TC3700